

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

---

KIMBERLY C. CUTONE and )  
ANTHONY CUTONE )  
 )  
 ) CIVIL ACTION No. 1:04-CV-12725 RCL  
Plaintiffs, )  
 )  
v. )  
 )  
ELI LILLY AND COMPANY, *et al.*, )  
 )  
Defendants. )

---

**NOTICE OF APPEARANCE**

Kindly enter the appearance of Mark E. Swirbalus on behalf of the Defendant, Bristol-Myers Squibb Company, in the above-captioned matter.

Respectfully Submitted,

/s/ Mark E. Swirbalus

Mark E. Swirbalus, BBO # 631650  
DAY, BERRY & HOWARD LLP  
260 Franklin Street  
Boston, MA 02110  
(617) 345-4600

Dated : March 30, 2005

**CERTIFICATE OF SERVICE**

I, Mark E. Swirbalus hereby certify that on this 30th day of March, 2005, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing(s) to all counsel of record.

/s/ Mark E. Swirbalus  
Mark E. Swirbalus